UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,925	12/26/2006	Dai Kamiya	9683/235	5274

27879   7590   09/02/2009
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EXAMINER
MEJIA, ANTHONY

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
09/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/529,925	KAMIYA ET AL.
	Examiner	Art Unit	
	ANTHONY MEJIA	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 June 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>13-36</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>13-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03/30/2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>06/16/2009 + 08/21/2009</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicants' submission filed on **03 June 2009** has been entered.

Response to Amendments

2.   It is hereby acknowledged that Claims 1-12 have been canceled, Claims

13-20, 22-33 have been amended, and Claims 34-36 have been added and are

pending with Claim 21 in the instant application.

3.   Applicants' amendments to Claims 15-17, 22-24, and 27-31 in response to

Examiner's rejection under 35 U.S.C. 112 1st have been considered. The

amendments obviate the previously raised rejection, as such rejection is hereby

withdrawn.

Response to Arguments

4.   Applicant's arguments, filed **03 June 2009** have been fully considered but

are deemed moot in view of the following new grounds of rejection, necessitated

by Applicant's substantial amendments (i.e., amendment of claim 1, *"...**the**

second processor unit is further configured to decrease an amount of data

in the relayed data communication...") to the claims which significantly

affected the scope thereof (emphasis added).

5.   Applicant's arguments, with respect to objection to the specification for

failing to provide proper antecedent basis for the terms "second server

identification information" and "second server" have been fully considered and

are persuasive. Therefore, the objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

7.   Claims 13-15, 17, 19-24, 26-29, 31, 34-36 and rejected under 35 U.S.C.

103(a) as being unpatentable over Navarre et al. (US 6,442,611) (referred herein

after as Navarre) and in further view of Yoshioka (US 2003/0135546).

        Regarding Claim 13, Navarre teaches a communication system (*see* fig.2)

comprising:

        a communication terminal (client running application 210) (col.2, lines 27-

31); and

a relay device (gateway 220) that relays data communication (request)

between the communication terminal and a server (targeted server with

application), (col.2, lines 27-31, 50-59, col.3, lines 1-11, and col.3, lines 45-64);

the communication terminal comprising:

a communication unit (it is an inherent property that in order for the client

running application 210, to communicate with a relay device it must comprise a

hardware component to communicate the request for the user, col. 2, lines 27-

31, 50-54, col.3, lines 6-11);

a first storage unit (it is an inherent property that in order for the client to

run application 210, it must be stored on the client) configured to store an

application program (application 210) executable to communicate with the server

via a network (network 200) and communication unit (col. 2, lines 27-31, 50-54,

col.3, lines 6-11); and

a first processing unit (it is an inherent property that in order for the client

to run application 210, it must comprise a hardware component such as a CPU)

configured to execute the application program to communicate with the server in

accordance with the application program, to generate a communication request

including application related information related to the application program, and

to send the communication request to the server (col.2, lines 50-65 and col.3,

lines 1-15);

the relay device comprising:

a second storage unit (tables 223) configured to store regulation

information to regulate the data communication requested by the communication

request (col.3, lines 15-29);

a second processing unit (it an inherent property that in order for gateway

220 to receive a request from a client, the gateway must comprise a processor in

order to process instructions to execute a request from a client) configured to

receive the communication request from the communication terminal, wherein

the second processing unit is further configured to relay the data communication

in accordance with the regulation information stored in the second storage unit,

(col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23).

Navarre, does not explicitly teach the step wherein:

the second processing unit is further configured to decrease an amount of

data in the relayed communication in response to the communication request,

where the communication request satisfies a predetermined condition.

However, Yoshioka in a similar field of endeavor discloses a

communications system with automatic delete function and computer program

used for the system including the step of:

a second processing unit (router controller 8) is further configured to

decrease an amount of data in the relayed communication in response to the

communication request, where the communication request satisfies a

predetermined condition (prescribed threshold) (pars [0005-0007], [0018-0019],

[0036-0037], and [0051-0052]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Yoshioka in the teachings of Navarre to decrease an amount of data in the relayed communication to satisfy a predetermined condition. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Navarre and Yoshioka to prevent data congestion from occurring on the system (par [0005]).

Regarding Claim 14, Navarre further teaches wherein the application related information includes communication identification information, the communication identification information indicating, in a case that the application program executed by the processing unit is a specific type application program, that the communication is performed by the specific type application program, and the predetermined condition is that the application related information includes the communication identification information (col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23).

Regarding Claim 15, Navarre further teaches wherein a second storage unit is further configured to store first activation type information indicating a first activation mode of the application program (col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23),

the application related information includes second activation type information indicating a second activation mode of the application program (col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23), and

the predetermined condition is that the second activation mode indicated

by the second activation type information included in the application related

information is consistent with the first activation type information stored in the

second storage unit (col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23).

Regarding Claim 17, Navarre further teaches wherein the second storage

unit configured to store first application identification information indicating a

specific application program(col.2, lines 33-49, col.3, lines 1-29, and col.6, lines

1-23),

wherein the application related information includes second application

identification information identifying the application program(col.2, lines 33-49,

col.3, lines 1-29, and col.6, lines 1-23), and

the predetermined condition is that the second application identification

information included in the application related information is consistent with the

first application identification information stored in the second storage unit(col.2,

lines 33-49, col.3, lines 1-29, and col.6, lines 1-23).

Regarding Claim 19, Navarre further teaches wherein the regulation

information includes at least one or both of:

a condition to regulate the data communication, and

a condition to permit the data communication (col.2, lines 33-49, col.3,

lines 1-29, and col.6, lines 1-23).

Regarding Claim 20, Navarre teaches a relay device (gateway 220) for relaying data communication between a communication terminal (client running application 210) and a server (targeted server with application) (col.2, lines 27-31, 50-59, col.3, lines 1-11, and col.3, lines 45-64);

the relay device comprising:

a first storage unit (tables 223) configured to store regulation information to regulate the data communication in response to a communication request (col.3, lines 15-29);

a processing unit (it is an inherent property that in order for gateway 220 to receive a request from a client, the gateway must comprise a hardware component in order to process a request from a client) configured to receive the communication request from the communication terminal (col.3, lines 1-15); and

and invoke a guideline for the data communication between the communication terminal and the server in response to the communication request satisfying a predetermined condition, the processing unit further configured to invoke the guideline and relay the data communication in accordance with the regulation information stored in a first storage unit (col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23).

Regarding Claim 21, this device claim comprises limitation(s) substantially the same, as those discussed on claim 14 above, same rationale of rejection is applicable.

Regarding Claim 22, this device claim comprises limitation(s) substantially the same, as those discussed on claim 15 above, same rationale of rejection is applicable.

Regarding Claim 24, this device claim comprises limitation(s) substantially the same, as those discussed on claim 17 above, same rationale of rejection is applicable.

Regarding Claim 26, this device claim comprises limitation(s) substantially the same, as those discussed on claim 19 above, same rationale of rejection is applicable.

Regarding Claim 27, Navarre further teaches a method in a communication system that includes a communication terminal (client running application 210) and a relay device (gateway 220) that relays data communication between the communication terminal and a server (targeted server with application) (col.2, lines 27-31, 50-59, col.3, lines 1-11, and col.3, lines 45-64), the communication terminal including a communication unit and a first storage unit (it is an inherent property that in order for the client to run application 210, it must be stored on the client) configured to store an application program (client application 210) executable to communicate with the server via a network (network 200), the relay device including a second storage unit (tables 223) configured to store regulation information for regulating the data

communication in response to a communication request (col.3, lines 15-29), the

method comprising:

    generating, with the communication terminal, the communication request

to include application related information related to the application program

(col.2, lines 27-31, 50-59, col.3, lines 1-11, and col.3, lines 45-64);

    sending, with the communication terminal, the communication request to

the server (col.2, lines 50-65);

    receiving, with the relay device, the communication request from the

communication terminal (col.3, lines 1-15),

    invoking a constraint of the data communication between the

communication terminal and server with the relay device, if the communication

request satisfies a predetermined condition, the constraint of the data

communication invoked by the relay device in accordance with the regulation

information stored in the second storage unit (col.2, lines 33-49, col.3, lines 1-29,

and col.6, lines 1-23).

    Regarding Claim 28, this method claim comprises limitation(s)

substantially the same, as those discussed on claim 14 above, same rationale of

rejection is applicable.

    Regarding Claim 29, Navarre further teaches wherein the method

comprises storing first activation type information indicating a first activation

mode in the second storage unit included in the relay device (col.2, lines 33-49,

col.3, lines 1-29, and col.6, lines 1-23),

wherein the application related information includes a second activation

type information indicating a second activation mode of the application

program(col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23), and

the predetermined condition is that the second activation mode indicated

by the second activation type information included in the application related

information is consistent with the first activation type information stored in the

second storage unit (col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-23).

Regarding Claim 31, this method claim comprises limitation(s)

substantially the same, as those discussed on claim 17 above, same rationale of

rejection is applicable.

Regarding Claim 34, Yoshioka further teaches wherein the second

processing unit is further configured to transmit a response message to the

communication terminal in response to the communication request satisfying the

predetermined condition, the response message comprising an instruction to the

communication terminal to regulate the data communication between the

communication terminal and the server in accordance with the regulation

information (pars [0005-0007], [0018-0019], [0036-0037], and [0051-0052]).

Regarding Claim 35, Navarre further teaches wherein the processing unit

is further configured to transmit a. response message to the communication

terminal in response to the communication request, the response message

comprising the guideline for the data communication between the communication

terminal and the server (col.2, lines 33-49, col.3, lines 1-29, and col.6, lines 1-

23).

Regarding Claim 36, Navarre further teaches wherein invoking a

constraint of data communication between the communication terminal and the

server comprises the relaying device transmitting a response message to the

communication terminal in response to the communication request, the response

message comprising communication regulation information to constrain the

communication terminal with regard to data communication with the server (col.2,

lines 33-49, col.3, lines 1-29, and col.6, lines 1-23).

9.   Claims 18, 25, and 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Navarre in further view of Yoshioka and in further view of

Glommen et al. (US 6,393,479) (referred herein after as Glommen).

Regarding Claim 18, the combined teachings of Navarre and Yoshioka

teach the communication system of Claim 13 as discussed above. The combined

teachings of Navarre and Yoshioka do not explicitly teach wherein the regulation

information includes at least a condition to regulate a duration of the data

communication.

However, Glommen in a similar field of endeavor discloses an Internet

website traffic flow analysis including the regulation information includes at least

a condition to regulate a duration of the communication (col.8, lines 49-65, and

col.9, lines 39-46).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Glommen in the combined

teachings of Navarre and Yoshioka to regulate the duration of the

communication. One of ordinary skill in the art at the time the time the invention

was made to combine the teachings of Navarre and Glommen to reduce

throughput of the mobile communication and optimize the regulation of requests

being sent on the system.

Regarding Claim 25, this device claim comprises limitation(s) substantially

the same, as those discussed on claim 18 above, same rationale of rejection is

applicable.

Regarding Claim 32, this method claim comprises limitation(s)

substantially the same, as those discussed on claim 18 above, same rationale of

rejection is applicable.

10.   Claims 16, 23, and 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Navarre in further view of Yoshioka and in further view of

Yoshida et al. (US 2002/0032781) (referred herein after as Yoshida).

          Regarding Claim 16, the combined teachings of Navarre and Yoshioka

teach the communication system of Claim 13 as discussed above. The teachings

of Navarre does not explicitly teach wherein the second storage unit is further

configured to store first server identification information indicative of a first server,

wherein the application related information includes second server identification

information indicative of a second server from which the application program was

received by the communication terminal, and

          the predetermined condition is that the second server identification

information included in the application related information is consistent with the

first server identification information stored in the second storage unit.

          However, Yoshida in a similar field of endeavor discloses an intermediary

server apparatus and an information providing method including:

          wherein a second storage unit (intermediary server 2) is further configured

to store first server identification information (server-side user ID) indicative of a

first server, wherein the application related information includes second server

identification information indicative of a second server from which the application

program was received by the communication terminal (origin server) (pars [0031-

0041], and see figs.4-6), and

the predetermined condition is that the second server identification

information included in the application related information is consistent with the

first server identification information stored in the second storage unit (pars

[0031-0041], and *see* figs.4-6).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Yoshida in the combined teachings

of Navarre and Yoshioka to regulate server identification information. One of

ordinary skill in the art at the time the time the invention was made to combine

the teachings of Navarre/Yoshioka and Yoshida to optimize the regulation for

requests being sent on the system.

Regarding Claim 23, this device claim comprises limitation(s) substantially

the same, as those discussed on claim 16 above, same rationale of rejection is

applicable.

Regarding Claim 30, the combined teachings of Navarre and Yoshioka

teach the method of Claim 27 as discussed above. The combined teachings of

Navarre and Yoshioka do not explicitly teach wherein the method further

comprises storing first server identification information indicating a first server in

the second storage unit included in the relay device, wherein the application

related information includes second server identification information identifying a

second server from which the application program is sent, and

the predetermined condition is that the second server identification

information included in the application related information is consistent with the

first server identification information stored in the second storage unit.

However, Yoshida in a similar field of endeavor discloses an intermediary

server apparatus and an information providing method including:

wherein the method further comprises storing first server identification

information indicating a first server in the second storage unit included in the

relay device, wherein the application related information includes second server

identification information identifying a second server from which the application

program is sent (pars [0031-0041], and *see* figs.4-6), and

the predetermined condition is that the second server identification

information included in the application related information is consistent with the

first server identification information stored in the second storage unit (pars

[0031-0041], and *see* figs.4-6).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Yoshida in the combined teachings

of Navarre and Yoshioka to regulate server identification information. One of

ordinary skill in the art at the time the time the invention was made to combine

the teachings of Navarre/Yoshioka and Yoshida to optimize the regulation for

requests being sent on the system.

Conclusion

Examiner has cited particular paragraphs, columns, and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/A.M./
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